

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ALFRED CLAGGETT, JR.,	:	CIVIL ACTION NO. 1:10-CV-0413
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
BENJAMIN A. FRANTZ,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 5th day of April, 2010, upon consideration of defendant's motion (Doc. 5) for partial judgment on the pleadings, wherein defendant seeks judgment in his favor on plaintiff's state-law claim for assault and battery, and it appearing that plaintiff "agrees that the state claims should be dismissed," (see attachment at Ex. A¹), and that state officials and employees are immune from liability for assault and battery claims arising under state tort law, see 1 PA. CONS. STAT. § 2310, it is hereby ORDERED that:

1. Defendant's motion (Doc. 5) for partial judgment on the pleadings is GRANTED with respect to count one of plaintiff's complaint (Doc. 1-3). See FED. R. CIV. P. 12(c).

¹ On March 23, 2010, plaintiff's counsel transmitted written correspondence to the court indicating that plaintiff did not object to defendant's motion for partial judgment on the pleadings. The letter is attached to this order as Exhibit A.

2. The Clerk of Court is directed to defer the entry of judgment on this claim in favor of defendant and against plaintiff until the resolution of all claims.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge